

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
MARGARITA MUNOZ,)	
Petitioner)	
)	
v.)	CIVIL NO. 04-11699-EFH
)	
UNITED STATES OF AMERICA)	
Respondent)	
)	

UNITED STATES' MOTION FOR EXTENSION
OF TIME IN WHICH TO FILE ITS RESPONSE

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves the Court for additional time in which to file its response to the motion filed by the petitioner, Margarita Munoz ("Munoz"), pursuant to 28 U.S.C. § 2255. The government seeks an additional sixty days in which to file its response and requests that the Court enter an order requiring it to be filed on or before April 18, 2005. The grounds for this motion are as follows:

1. On or around July 27, 2004, Munoz filed a motion pursuant to 28 U.S.C. § 2255 claiming: (1) ineffective assistance of counsel, and, (2) violation of her 6th Amendment rights as defined by the Supreme Court in Blakely v. Washington, 540 U.S. 965 (2004). On or around August 17, 2004, the Court ordered that the motion be served upon the United States and that the government respond thereto within sixty days.

2. The undersigned Assistant United States Attorney

("AUSA") was not the AUSA who was originally assigned the prosecution of the underlying criminal action, nor was she originally assigned to represent the interests of the government in this § 2255 proceeding. The original AUSA who had been assigned left the District of Massachusetts, whereupon the undersigned became responsible for this matter.

3. Due to the press of other business, the undersigned was not able to turn her attention to this matter in a timely fashion. Further, the underlying criminal action was closed in the Office of the U.S. Attorney, and the closed files (approximately 20-boxes) recently have been returned to the office. Before responding, it may be necessary to review the closed files to determine what, if any, material is necessary to formulate a response. In order to do this, as well as answer Munoz' motion in an adequate manner, the undersigned requests an additional 60-day period in which to file its response on behalf of the government.

Accordingly, the government respectfully requests that the Court grant its motion, and order that the government's response be filed on or before April 18, 2005.

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Susan M. Poswistilo
SUSAN M. POSWISTILO
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon the petitioner (pro se) by first-class mail this 17th day of February, 2005, at the following address:

Margarita Munoz
Alderson Prison Camp
Box A
Alderson, WV 24910

/s/ Susan M. Poswistilo
SUSAN M. POSWISTILO
ASSISTANT U.S. ATTORNEY